2007 DRAFTING REQUEST

Bill

FE Sent For:

| Received: 01/22/2007 | | | | | Received By: pgrant | | | | |
|--|----------------------|-----------------------|------------------------|---|--|----------|---|--|--|
| Wanted: As time permits For: Administration-Budget 6-5468 This file may be shown to any legislator: NO May Contact: | | | | | Identical to LRB: By/Representing: Fath Drafter: pgrant Addl. Drafters: | | | | |
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| | | | | | | | | | |
| Subject: Education - school boards Submit via email: NO | | | | | Extra Copies: TKK | | | | |
| Topic: | Fath, BB040′ | | nd electricity | generator | | | | | |
| Instruction See Att | | | | | | | erster (f. 1. sen apyleas folkas - Prijas (f. 1. sen apyleas folkas) - George (f. 1. sen apyleas folkas) | | |
| Draftir | ng History: | | | | | | | | |
| Vers. | <u>Drafted</u> | Reviewed | Typed | Proofed | Submitted | Jacketed | Required | | |
| /? | pgrant 01/24/2007 | lkunkel 01/24/2007 | | | | | S&L | | |
| /1 | pgrant 01/29/2007 | lkunkel 01/29/2007 | pgreensl 01/24/2007 | *************************************** | cduerst 01/24/2007 | | S&L | | |
| /2 | | | rschluet 01/29/2007 | 7 | mbarman 01/29/2007 | | | | |
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2007 DRAFTING REQUEST

Bill

| Received: 01/22/2007 | | | | | Received By: pgrant | | | | |
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| Wanted: As time permits | | | | | Identical to LRB: | | | | |
| For: Administration-Budget 6-5468 | | | | | By/Representing: Fath | | | | |
| This file may be shown to any legislator: NO May Contact: | | | | | Drafter: pgrant | | | | |
| | | | | | Addl. Drafters: | | | | |
| Subject | :: Educa | ation - school bo | ards | | Extra Copies: | TKK | | | |
| Submit | via email: NO | · · · · · · · · · · · · · · · · · · · | | | | | | | |
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| DOA: | Fath, BB040 | 07 - | | | | | | | |
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| Allow s | school district | to construct a wi | nd electricit | ty generator | | | | | |
| Instruc | ctions: | | | | | | | | |
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2007 DRAFTING REQUEST

Bill

Received: 01/22/2007

Received By: pgrant

Wanted: As time permits

Identical to LRB:

For: Administration-Budget 6-5468

By/Representing: Fath

This file may be shown to any legislator: NO

Drafter: pgrant

May Contact:

Addl. Drafters:

Subject:

Education - school boards

Extra Copies:

TKK

Submit via email: NO

Pre Topic:

DOA:.....Fath, BB0407 -

Topic:

Allow school district to construct a wind electricity generator

Instructions:

See Attached

Drafting History:

Vers.

Drafted

Reviewed

/1 lmk 1/24

Typed

Proofed

Submitted

Jacketed

Required

/? pgrant

FE Sent For:

<END>

Grant, Peter

From:

Fath, Erin - DOA

Sent: To: Friday, January 19, 2007 3:11 PM Grant, Peter; Kuczenski, Tracy

Subject:

FW: School District Wind Farm language

Attachments:

School wind farm language.doc

Hi Peter and Tracy,

This is a new request that just came into us. I will write up a request per the usual format and a hardcopy will come over to LRB, but probably not until Monday. Just wanted to get it to you ASAP.

Thanks!

Erin Fath

----Original Message---From: Hanle, Bob - DOA



School wind farm language.doc ...

Se t: Friday, January 19, 2007 2:55 PM

To: Fath, Erin - DOA

Subject: FW: School District Wind Farm language

Put in an drafting request on this. Thanks.

----Original Message----

From: Schmiedicke, David P - DOA

Sent: Friday, January 19, 2007 2:32 PM

To: Hanle, Bob - DOA

Subject: Fw: School District Wind Farm language

Sent from my BlackBerry Wireless Device

----Original Message----

From: Schooff, Dan - DOA

To: Schmiedicke, David P - DOA; Henderson, Patrick W - DOA; Patton, Christopher - GOV

Sent: Fri Jan 19 10:42:15 2007

Subject: School District Wind Farm language

Request from Lee Cullen

These School Districts Rec'd Fed Grant, may need this language to accept.

Amend S. 120.13 by adding the following subsection:

(A school board may do the following:)

- (x) Wind Generation Facilities. Construct, acquire, borrow funds, own in whole or in part, operate, maintain, and enter into contracts with respect to a wind generation facility. The school board may enter into a joint agreement or participate in a joint association or organization with other school boards for the purpose of constructing, acquiring, borrowing funds for, owning in whole or in part, operating, and maintaining a wind generation facility. The school board may do all of the following:
- 1) sell the energy from such a facility,
- 2) deposit the revenues from such sales in its operating account
- 3) spend the payments received from selling such energy
- 4) enter into a performance contract pursuant to s. 66.0133 with respect to the amounts spent and received from such a facility, and aggregate such amounts with other projects subject to a performance contract with the school board

The board's share of the installed capacity of such a facility shall not exceed five megawatts, and the board shall integrate information about the wind generation facility in its educational curriculum.

Grant, Peter

From: Hanle, Bob - DOA

Sent: Wednesday, January 24, 2007 10:24 AM

To: Grant, Peter

Cc: Fath, Erin - DOA

Subject: RE: School District Wind Farm language

The background on this is that there is the potential for Wisconsin to get a \$12 million (federal, I believe) energy grant to do wind power. According to Dan Schoof, our new Deputy Secretary, there is some concern that school districts do not have the authority to accept this money. Apparently, the AG in Minnesota opined that MN school districts do not have this authority and this has made other states nervous.

As I understand, all school districts want is the same authority as other municipalities and individuals to accept grants and develop wind farms. They're not asking for any favored treatment, just the same as other units of government.

Here's what I could find related to wind farms in MN.

Minnesota Allows Wind for Schools

In response to a surprising ruling from the Minnesota Attorney General earlier this year, the Minnesota Legislature adopted a bill to authorize Minnesota school districts to own and operate wind turbines.

Carleton College and Northfield (Minn.) Public Schools have been collaborating on a project to install two utility-scale wind turbines on the outskirts of Northfield to supply the college and the school with clean wind power. In February, the Attorney General ruled that Minnesota school boards are not authorized to own wind turbines, since they are not "directly related to the services or activities in which the district participates." The ruling threatened to derail the collaborative Carleton/public school project.

Representative Ray Cox (R-Northfield) and Senator Ellen Anderson (D-St. Paul) proposed legislation to provide the desired authorization while limiting a school's ability to participate in large wind power development. GE Wind Energy's MidAmerican representative, Mark Eilers, testified before Anderson's energy committee.

Here's another clip from a high school newspaper's interview with Cox and Anderson.

"Last session, a group came to me and pointed out a glitch in our legislation," recalled state representative Ray Cox. "School districts were never actually granted the authority to own and operate wind turbines." Since Cox and Anderson worked to pass new legislation that fixed that gap, academic institutions now seem poised to take a leading position in further integrating wind energy into the fabric of Minnesota's everyday life.

----Original Message----

From: Fath, Erin - DOA

Sent: Monday, January 22, 2007 8:58 AM

To: Hanle, Bob - DOA

Subject: FW: School District Wind Farm language

FYI - Peter Grant has several questions about the stat language request that we forwarded over for Dan Schoof. I told Peter I'm looking into it - should I contact Dan directly? Or do you know whether there is another person with whom we should be working on this?

Erin Fath

----Original Message----

From: Grant, Peter [mailto:Peter.Grant@legis.wisconsin.gov]

Sent: Friday, January 19, 2007 4:03 PM

To: Fath, Erin - DOA

Cc: Kuczenski, Tracy - LEGIS

Subject: RE: School District Wind Farm language

Erin, thanks for getting stuff to us so quickly. And by the way, do you have any background info on this? I've only spent 10 minutes on it so far, but that was sufficient to discover that the generation and sale of electricity is heavily regulated and way complicated. For example, if the facility is designed for 100 or more megawatts, it can't be constructed without PSC approval. Do you want to exempt the school board from that requirement? If the school board wants to sell the electricity to a utility, there are various federal laws that would apply. If it wants to sell the electricity at retail, to the user, that's regulated by state law. In general, if you do that, you're a public utility and all the state laws that govern public utilities apply.

There are a few things in the request that I don't understand. What does it mean to restrict a school board's "share of the installed capacity"? Why is it necessary to authorize a school board to enter into a performance contract pursuant to s. 66.0133, when that section appears to authorize school boards to do so currently? And is it really necessary to authorize the school board to spend money derived from the sale of electricity?

Peter

----Original Message---From: Fath, Erin - DOA

Sent: Friday, January 19, 2007 3:11 PM To: Grant, Peter; Kuczenski, Tracy

Subject: FW: School District Wind Farm language

Hi Peter and Tracy,

This is a new request that just came into us. I will write up a request per the usual format and a hardcopy will come over to LRB, but probably not until Monday. Just wanted to get it to you ASAP.

Thanks!

Erin Fath

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Sent: Friday, January 19, 2007 2:55 PM

To: Fath, Erin - DOA

Subject: FW: School District Wind Farm language

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To: Hanle, Bob - DOA

Subject: Fw: School District Wind Farm language

Sent from my BlackBerry Wireless Device

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To: Schmiedicke, David P - DOA; Henderson, Patrick W - DOA; Patton, Christopher - GOV

Sent: Fri Jan 19 10:42:15 2007

Subject: School District Wind Farm language

Request from Lee Cullen These School Districts Rec'd Fed Grant, may need this language to accept.

2007-09 Budget Bill Statutory Language Drafting Request

• Topic: Permitting School Boards to construct Wind Generation Facilities

• Tracking Code: BB407

• SBO team: Education

SBO analyst: Erin FathPhone: 266-5468

• Email: erin.fath@wisconsin.gov

Agency acronym: DPI

• Agency number: 255

Priority (Low, Medium, High): HIGH

Date:

January 19, 2007

To:

Steve Miller

From:

Erin Fath

Subject:

Statutory Language Request

Permitting School Boards to construct Wind Generation Facilities

Please see the attached request for a statutory language change.

If you have any questions, please call me at 6-5468, or send me an email at erin.fath@wisconsin.gov

Thank you.

Amend S. 120.13 by adding the following subsection:

(A school board may do the following:)

- (x) Wind Generation Facilities. Construct, acquire, borrow funds, own in whole or in part, operate, maintain, and enter into contracts with respect to a wind generation facility. The school board may enter into a joint agreement or participate in a joint association or organization with other school boards for the purpose of constructing, acquiring, borrowing funds for, owning in whole or in part, operating, and maintaining a wind generation facility. The school board may do all of the following:
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The board's share of the installed capacity of such a facility shall not exceed five megawatts, and the board shall integrate information about the wind generation facility in its educational curriculum.

Date (time) needed

DOA BUDGET DRAFT



PG: MC.

Use the appropriate components and routines developed for bills.

>>FOR BUDGET — NOT READY FOR INTRODUCTION <<

AN ACT...[DO NOT generate catalog]; relating to: the budget.

Analysis by the Legislative Reference Bureau

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For the analysis text, in the component bar:

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insert analysis attached

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION #.

[rev: 9/18/06 DF02DOA(fm)]

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

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Legal (608-266-3561)

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DRAFTER'S NOTE FROM THE LEGISLATIVE REFERENCE BUREAU

LRB-1618/1dn PG:lmk:pg

January 24, 2007

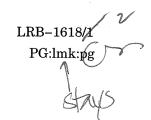
Erin —

As I mentioned, s. 66.0301 authorizes a school board to jointly do with other local governments anything that is authorized to do individually. So I deleted the language regarding joint agreements. I also deleted the language about performance contacts under s. 66.0133 because it appears to be unnecessary.

Peter R. Grant Managing Attorney Phone: (608) 267-3362

E-mail: peter.grant@legis.wisconsin.gov

2007 - 2008 LEGISLATURE



DOA:.....Fath, BB0407 – Allow school district to construct a wind electricity generator

FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION



1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau EDUCATION

PRIMARY AND SECONDARY EDUCATION

The bill authorizes a school board to construct or acquire a wind electricity generation facility and to use or sell the energy generated by the facility.

For further information see the **state and local** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

- 2 Section 1. 120.13 (18m) of the statutes is created to read:
- 3 120.13 (18m) WIND ELECTRICITY GENERATORS. Construct or acquire, borrow
- 4 funds to construct or acquire, operate, and maintain a wind electricity generation
- facility, and use or sell the energy generated by the facility, if the school board's share

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of the installed capacity of the facility does not exceed 5 megawatts and the school board incorporate information about the facility in its curriculum.

(END)

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STATE OF WISCONSIN – LEGISLATIVE REFERENCE BUREAU

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DRAFTER'S NOTE FROM THE LEGISLATIVE REFERENCE BUREAU

LRB-1618/2dn PG:lmk:rs

January 29, 2007

Erin, this redraft merely corrects a typo.

Peter R. Grant Managing Attorney Phone: (608) 267–3362

E-mail: peter.grant@legis.wisconsin.gov



State of Misconsin 2007 - 2008 LEGISLATURE

LRB-1618/2 PG:lmk:rs

DOA:.....Fath, BB0407-Allow school district to construct a wind electricity generator

FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau EDUCATION

PRIMARY AND SECONDARY EDUCATION

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3 (END)